

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FRANK SWEET,

Plaintiff,

v.

Case No. 17-13699

EMPIRE AUTO SOLUTIONS, LLC et al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT

This is a Telephone Consumer Protection Act case. Plaintiff Frank Sweet alleges that Defendants repeatedly make unsolicited and autodialed calls to his cell phone.

(ECF No. 1.) Defendants have not answered the complaint, despite being served, and a Clerk's Entry of Default has issued for each. (ECF Nos. 6, 10, 11.) Plaintiff has been conducting discovery to determine the volume of calls dialed to Plaintiff's cell phone and liquidate damages in support of a motion for default judgment. (ECF Nos. 15, 16.)

Through the course of discovery, Plaintiff identified three additional parties he believes are relevant to this suit and would like to add these parties to the case. Before the court is Plaintiff's "Motion for Leave to Amend Complaint." (ECF No. 21.)

Under Federal Rule of Civil Procedure 15(a)(1), a party may amend its complaint once as a matter of course within a certain time frame. Because a complaint is a pleading "to which a responsive pleading is required," the time frame for amendment as a matter of course is "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P.

15(a)(1). Here, because no answer or Rule 12 motions have been filed by Defendants, Plaintiff may amend his complaint as a matter of course; the court will grant his motion.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend Complaint (ECF No. 21) is GRANTED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 21, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 21, 2019, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522

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